

IN THE DRAWINGS

The attached sheets of drawings include changes to Fig. 2. These sheets, which include Fig. 2A and Fig. 2B, replace the original sheet including Fig. 2.

Attachment: 2 Replacement Sheets.

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1, 2, 4-6, 8-10, and 12 are pending in this case. Claims 1, 5, and 9 are amended and Claims 3, 7, 11, and 13-25 are canceled, without prejudice or disclaimer, by the present amendment. The amendments to Claims 1 and 5 are made only to correct matters of form or recite the subject matter of the claims more clearly, and the amendment to Claim 9 is made only to more clearly recite statutory subject matter. Thus, the amendments to Claims 1, 5, and 9 add no new matter.

In the outstanding Office Action, the title and abstract were objected to; the drawings were objected to; Claims 9 and 13 were rejected under 35 U.S.C. § 101; Claim 1 was rejected under 35 U.S.C. § 112, second paragraph; and Claims 1, 2, 4-6, 8-10, 12, and 13 were rejected under 35 U.S.C. § 102(b) as anticipated by Miyake (U.S. Patent No. 5,767,904).

The Title and Abstract are amended to address the objections. Further, the Specification is amended to describe every structural element depicted in Fig. 2. Thus, Applicants respectfully request that the objection to the Specification be withdrawn.

Fig. 2 is amended to label structures of the digital camera. Thus, Applicants respectfully request that the objection to the drawings be withdrawn.

Claim 9 is amended to recite statutory subject matter, and Claim 13 is canceled. Thus, Applicants respectfully request that the rejection of Claim 9 under 35 U.S.C. § 101 be withdrawn and respectfully submit that the rejection of claim 13 is moot.

Claim 1 is amended to more clearly show the antecedent basis for the portions of Claim 1 cited in the outstanding Office Action. Thus, Applicants respectfully request that the rejection of Claim 1 under 35 U.S.C. § 112, second paragraph, be withdrawn.

Applicants respectfully submit that the rejection of Claim 13 under 35 U.S.C. § 102(b) is moot. Applicants now traverse the rejection of Claims 1, 2, 4-6, 8-10, and 12 under 35 U.S.C. § 102(b).

Claim 1 is directed to an imaging apparatus and includes:

a setup part for an exposure period configured to generate a timing signal which prescribes an exposure period of an image pick up device;

a control part for the image pickup device configured to control an operation of said image pick up device in synchronization with said timing signal of the exposure period;

a timing part configured to measure an elapsed time from the timing signal of the exposure period; and

an imaging apparatus control part configured to control said control part for the image pick up device and said setup part for the exposure period,

wherein said timing part measures an elapsed time from the exposure period timing signal right before a beginning of an exposure setup operation to the beginning of the exposure setup operation by said setup part for the exposure period, and when a time from the beginning of the exposure setup operation to a generation of a next exposure period timing signal is equal to or greater than a predetermined time, said imaging apparatus control part shortens the time till the generation of the next exposure period timing signal from a regular exposure period.

The outstanding Office Action cites Miyake as teaching all the elements of Claim 1.

Miyake describes an electronic still camera, at column 2, lines 26-30, in which “a mechanical shutter is always opened after a predetermined constant time elapses from a shutter release by a shutter release button to image a subject.”

Thus, Miyake describes maintaining rather than shortening a release time lag and Miyake does not teach or suggest that “when a time from the beginning of the exposure setup operation to a generation of a next exposure period timing signal is equal to or greater than a predetermined time, said imaging apparatus control part shortens the time till the generation of the next exposure period timing signal from a regular exposure period,” as recited in Claim 1.

In Miyake, as described at column 15, lines 52-63, the compression CPU brings the shutter signal into the H level to cause the shutter to open when an exposure preparation time β elapses. Miyake does not teach or suggest reducing the “time from the beginning of the exposure setup operation to a generation of a next exposure period timing signal” when that time is greater than or equal to a predetermined time, as recited in Claim 1.

The outstanding Office Action seems to assert at page 8 that β is the exposure preparation time, a time from the beginning of the exposure setup operation, and the predetermined time. In any case, that time, β , is not taught or suggested by Miyake as being shortened based on any measurement. In fact, at column 15, line 44, to column 16, line 7, Miyake describes a constant time, $\alpha+\beta$, elapsing after the shutter release until the shutter control device opens the focal-plane shutter and a subject image is formed through an imagine lens, but Miyake does not teach or suggest shortening a period “from the beginning of the exposure setup operation to a generation of a next exposure period timing signal,” as recited in Claim 1.

Because Miyake does not teach or suggest at least the features of Claim 1 discussed above, Applicants respectfully request that the rejection under 35 U.S.C. § 102(b) of Claim 1 and Claims 2 and 4, which depend therefrom, be withdrawn.

Claims 5 is directed to an imaging method and includes “the time till the generation of the next exposure period timing signal being shortened.”

As discussed above, Miyake does not teach or suggest shortening the time till the generation of the next exposure period timing signal but, instead, maintains a constant time from the release of the shutter release button to the formation of a subject image.

Because Miyake does not teach or suggest at least the features of Claim 5 discussed above, Applicants respectfully request that the rejection under 35 U.S.C. § 102(b) of Claim 5 and Claims 6 and 8, which depend therefrom, be withdrawn.

Claim 9 is directed to a computer-readable medium including computer executable instructions causing a processor to perform a method and includes “outputting the exposure period timing signal for beginning the exposure period earlier than a generation of a regular next exposure period timing signal when the time till the generation of the next exposure period timing signal is judged to be equal or greater than the predetermined time.”

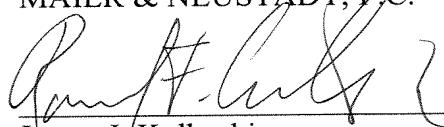
As discussed above, the compression CPU of Miyake brings the shutter signal into the H level to instruct it to open the shutter after a constant time, but Miyake does not teach or suggest “outputting the exposure period timing signal for beginning the exposure period earlier than a generation of a regular next exposure period timing signal when the time till the generation of the next exposure period timing signal is judged to be equal or greater than the predetermined time,” as recited in Claim 9.

Thus, Applicants respectfully request that the rejection under 35 U.S.C. § 102(b) of Claim 9 and Claims 10 and 12, which depend therefrom, be withdrawn.

Accordingly, the outstanding rejections are traversed and the pending claims are believed to be in condition for formal allowance. An early and favorable action to that effect is, therefore, respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



James J. Kulbaski
Attorney of Record
Registration No. 34,648

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 08/07)
I:\ATTY\UMP\24's\248078US\248078US AMND1.DOC

Raymond F. Cardillo, Jr.
Registration No. 40,440